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AGREEMENT

AUG 6 10 35 AM '97

Made this 5th day of August 1997, by and between S M & T Inc., t/a Holland Liquor, (the Applicant), and Advisory Neighborhood Commission 6B (the ANC).

RECEIVED
CONTROL DIVISION
WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "A" license for premises, 1301 Pennsylvania Ave. SE, ABC Application #248, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "A" Liquor License at the subject premises; and,

WHEREAS, the parties agree that the sale of single containers of beer, of 40 ounces or less, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner; and,

WHEREAS, the strict enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant hereby certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax;

WHEREAS, Applicant declares that ending the sale of all single containers of beer of 40 or fewer ounces (which Applicant declares make up approximately 60% of the Applicant's sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

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NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment;
 - b. posting a sign inside requesting customers not to contribute to panhandlers;
 - c. asking loiterers to move on whenever they are observed outside the establishment;
 - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on;
 - e. keeping a written record of dates and times when the MPD is called for assistance;
 - f. not installing a payphone outside the establishment, and by opposing the efforts of any other party to install an outdoor payphone on or adjacent to the establishment; and
 - g. by playing classical music, as permitted by law, outside the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis or more frequently if needed.
 - b. sweeping the outside of the establishment on a daily basis, or more frequently if needed.
3. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales.
4. In consideration of, and reliance upon, the commitments reflected in paragraph 1-3, the ANC hereby withdraws its opposition to the applicant's pending license application.
5. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: Michael Kins
Michael Kins

By: L-H Simon
GOTTLIEB SIMON

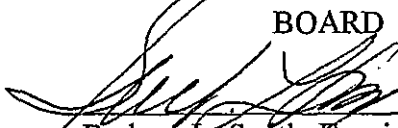
The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the Agreement dated August 5, 1997, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned.

SM & T, Inc.
t/a Holland Liquor
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Accordingly, it is this 6 day of May 1998, **ORDERED**
that:

1. The protest of Thomas Wells, Chair, on behalf of the Advisory Neighborhood Commission 6B, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced Agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of SM & T, Inc. t/a Holland Liquor for a retailer's license class A - renewal at premises 1301 Pennsylvania Avenue, S.E., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

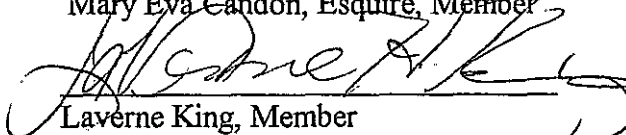
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD

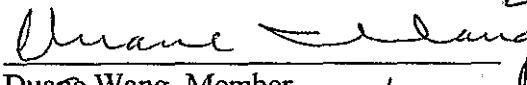

Barbara E. Smith, Esquire, Chair

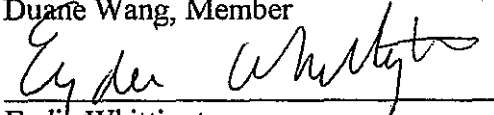

Dennis Bass, Member


Allen Beach, Member

Mary Eva Candon, Esquire, Member


Laverne King, Member


Duane Wang, Member


Eydie Whittington